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Before the
Federal Communications Commission
Washington, D.C. 20554

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SEP 11 2007

In the Matter of)
)
Improving Public Safety Communications in the)
800 MHz Band)
)
Consolidating the 800 and 900 MHz)
Industrial/Land Transportation and Business Pool)
Channels)
)
Amendment of Part 2 of the Commission's Rules)
To Allocate Spectrum Below 3 GHz for Mobile)
And Fixed Services to Support the Introduction)
Of New Advanced Wireless Services, Including)
Third Generation Wireless Systems)
)
Amendment of Section 2.106 of the Commission's)
Rules to Allocate Spectrum at 2 GHz for Use by)
the Mobile Satellite Service)

WT Docket No. 02-55

FCC MAIL ROOM

ET Docket No. 00-258

ET Docket No. 95-18

ORDER

Adopted: September 7, 2007

Released: September 7, 2007

By the Commission:

1. In this Order, we waive on our own motion the deadline by which Sprint Nextel Corporation (Sprint Nextel) is required to complete the transition of the broadcast auxiliary service (BAS) to frequencies above 2025 MHz for 60 days. This will provide time to consider a Joint Petition for Waiver (Joint Petition) of Sprint Nextel Corporation, the Association for Maximum Service Television, Inc. (MSTV), the National Association of Broadcasters (NAB), and the Society of Broadcast Engineers (SBE) that was filed on September 4, 2007. This action is being taken without prejudice relative to the merits of the Joint Petition.

2. In 2000, 35 megahertz of BAS spectrum was allocated to the 2 GHz Mobile Satellite Service, which was made responsible for BAS relocation (47 C.F.R. §§ 74.690, 78.40).¹ In 2004, a portion of this spectrum (5 megahertz) was reallocated to Nextel Communications, Inc. (the predecessor in interest to Sprint Nextel) under the terms of the *800 MHz Order*.² Although both Sprint Nextel and 2 GHz MSS licensees have equal obligations to relocate the 1.9 GHz BAS incumbents, Sprint Nextel's

¹ See *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile-Satellite Service*, ET Docket No. 95-18, Second Report and Order and Second Memorandum Opinion and Order, 15 FCC Rcd 12315 (2000).

² See *Improving Public Safety Communications in the 800 MHz Band (800 MHz Order)*, WT Docket No. 02-55, ET Docket No. 00-258, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004).

obligation is to complete relocation of all BAS facilities by September 7, 2007.³

3. On September 4, 2007, Sprint Nextel, MSTV, NAB and SBE filed a Joint Petition requesting that the Commission waive the current BAS transition completion date for an additional twenty-nine months. On our own motion, pursuant to 47 C.F.R. § 1.3, we hereby waive the deadline by which Sprint Nextel must complete relocation of the broadcast auxiliary service to frequencies above 2025 MHz for a period of 60 days (*i.e.*, the new deadline will become November 6, 2007). This will provide the Commission with time to consider the issues raised by the Joint Petition.

4. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 C.F.R. §§ 154(i) and (j), and Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, that the deadline by which Sprint Nextel must complete relocation of the broadcast auxiliary service to frequencies above 2025 MHz is waived for a period of 60 days.

5. IT IS FURTHER ORDERED that the effective date of this Order is the date upon which this Order is released by the Commission.

FEDERAL COMMUNICATIONS COMMISSION

Marlene Dortch
Secretary

³ The Commission had initially required that BAS relocation be completed within thirty months after the effective date of the *800 MHz Order*, *i.e.*, May 7, 2007. *Id.* The Commission subsequently extended this deadline to September 7, 2007. See *Commission Seeks Comment on Ex Parte Presentations and Extends Certain Deadlines Regarding the 800 MHz Public Safety Interference Proceeding*, WT Docket No. 02-55, Public Notice (rel. Oct. 22, 2004).